UNITED
NATIONS

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Economic and Social
Council

Distr.
GENERAL

E/CN.4/1995/NGO/41
17 February 1995

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-first session
Agenda item 19

REPORT OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES ON ITS FORTY-SIXTH SESSION

Written statement submitted by Human Rights Advocates, a non-governmental organization in consultative status (category II)

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[16 February 1995]

Environment, human rights and duties imposed by the International Covenant on Civil and Political Rights

1. Since our arrival in Geneva to participate in meetings of the Commission's fifty-first session, we in Human Rights Advocates have noted that many of our colleagues seem concerned, understandably, about the possible need for further study of proposed new rules that would affect Governments. Discussions with respect to the environment and human rights must proceed, however, with full awareness of pertinent government obligations that already exist. Thus, we suggest that special note be taken of obligations that now in fact bind two thirds of all Governments which are Members States of the United Nations. To illustrate, we focus on three of the clauses in the International Covenant on Civil and Political Rights that affect families, children and indigenous peoples.

2. Article 27 of the Covenant, regarding ethnic minorities, states that "persons belonging to such minorities shall not be denied the right ... to enjoy their own culture". That enjoyment is, of course, constantly threatened by malfeasance to the environment.

3. Article 23 (1) of the Covenant states, "The family ... is entitled to protection by society and the State." Governments that continue to ignore the impacts of potentially disastrous unclear air, unclean water, contaminated food and hazardous housing are not complying with the basic mandate to help ensure that "protection".

4. More specifically, article 24 of the Covenant proclaims that "Every child shall have ... the right to such measures of protection as are required by his status as a minor, on the part of his family, society and the State." That clearly means that each Government which is a party to the Covenant must strive to help ensure minimally clear air, minimally clean water, uncontaminated food, and housing that is not, for instance, rat infested or disease prone.

5. We briefly cite those clauses to illustrate the many duties that exist now, that juridically can be avoided only in "time of public emergency which threatens the life of the nation ...". Further, under article 4 (2) of the Covenant, no derogation whatever is permitted regarding the command of article 6 that "No one shall be arbitrarily deprived of his life."

6. Several comments made by colleagues during discussions of item 19 seem to have implied that some kind of moratorium or other "pause" might be appropriate because of the complexity of developmental issues and other matters requiring coordination of relevant United Nations activities. When there appear to be serious violations of the duties accepted unreservedly by ratification of the International Covenant on Civil and Political Rights, however, this Commission and its Sub-Commission must in no way relax the constant vigilance that is called for by the Economic and Social Council in resolution 1235 (XLII), regarding allegations of reliably attested, gross violations of recognized human rights wherever and whenever they may occur. Many observers would agree that respect for that mandate has become one of the most significant among the Commission's highest responsibilities.